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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,942	12/09/2003	James E. Sutherland	200310792-1	2710
22879	7590	05/16/2006	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			TIMBLIN, ROBERT M	
			ART UNIT	PAPER NUMBER
			2167	
DATE MAILED: 05/16/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/729,942		SUTHERLAND ET AL.	
	Examiner		Art Unit	
	Robert M. Timblin		2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action corresponds to application 10/728,942 filed 12/9/2003.

Claims 1-30 have been examined and are pending prosecution.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 12/9/2003 has been entered and is being considered by the examiner.

Specification

The disclosure is objected to because of the following informalities: Application is missing field of invention element with accompanying description. See MPEP 608.01(a) [R-3]

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Ofek (US Patent 5,901,327).

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With respect to claims 1, 11 and 27, Ofek teaches A method for accessing data in a first memory based database environment (MBE), said method comprising the steps of:

'receiving a processing request' (col. 2, lines 37 - 40).

'retrieving an update from a data chain associated with the first MBE' as a chain of channel commands (col. 2 lines 37 – 40 and fig. 1).

'constructing a message for an MBE using the retrieved update' and **'sending the message to a second MBE'** (col. 2. lines 47-53).

With respect to claims 2, 4, 9, 18, 22, 26, 29, 28 Ofek teaches **'data chain is a chronological data chain'** (col. 2, lines 40-45 and col. 29 lines 50-63).

With respect to claims 3 and 16, Ofek teaches **'writing the retrieved update to an update queue file, if the second MBE is not available'** as log and data file updates in the FIFO link transmission queue (col. 30, lines 7-57 and figs 12-13b).

With respect to claims 5, 19 and 30, Ofek teaches **'the data chain is used to process modified records without a need to queue or move said modified records in the first MBE'** (abstract).

With respect to claims 6 and 12, Ofek teaches **the second MBE is selected from a group consisting of: a mirrored system, a database, or a disk'** (abstract and 46 of figure 1).

With respect to claims 7 and 20, **Ofek** teaches **'first MBE is a shared-nothing environment'** (14 of figure 1).

With respect to claim 8, **Ofek** teaches A method for accessing data in a first memory based database environment (MBE), said method comprising the steps of:

'receiving a processing request from a disk process emulator ("DPE") process' as the host computer sends chains of channel commands (abstract).

'locking a data segment of a DPE' (col. 37, lines 50-55).

'retrieving an update from a data chain' (col. 37, lines 35-41).

With respect to claim 10, **Ofek** teaches **'MBE synchronization process ("MSP")'** (col. 53, 20-22)

With respect to claim 13, **Ofek** teaches **'unlocking the data segment'** (col. 38, lines 14-16 and figures 19-20).

With respect to claim 14, **Ofek** teaches **'sending the message to the second MBE, if it is available'** (col. 28, lines 30-35 and figure 11).

With respect to claim 15, **Ofek** teaches **'waiting for a completion message from the second MBE'** as acknowledgment of the remote write operation (col. 16, lines 3-10).

With respect to claim 17, **Ofek** teaches **'using a queue control file, on restart if the MSP fails, to determine which update queue file needs to be processed, and to determine a state of said update queue files'** (col. 8 lines 27-39-61, col. 25, lines 17-24, and figures 2-3

With respect to claim 21, **Ofek** teaches the limitations of this claim as set forth in claim 8 above. Furthermore, **Ofek** teaches A method for accessing data in a memory based database environment (MBE), said method comprising the steps of:

'receiving by an MBE file support process ("MFS"), startup information (col. 51, lines 29-50) and configuration information from a manager process ("MGR")' as accessing configuration information (col. 14 lines 18-27).

With respect to claim 23, **Ofek** teaches **'constructing an internal update buffer of pending changes; and unlocking the data segment'** (col. 39 lines 22-39 and figures 22-23).

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With respect to claim 24, Ofek teaches **'performing a database modification to a specified file; awaiting the next request from a DPE; and using the DPE control segment for temporary storage of bundles of updates'** (abstract).

With respect to claim 25, the limitations of this claim are similar to those of claims 1, 8 and 23 as set forth above and therefore are rejected for the same reasons in view of Ofek.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 5,682,513 of Candelaria et al.

US 6,711,563 B1 of Koskas.

US 2005/0015663 A1 of Armangau et al.

US 5,774,716 of Harbinski et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Timblin whose telephone number is 571-272-5627. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone

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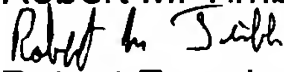
number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Leslie Wong

Primary Examiner

RMT

Robert M. Timblin

Patent Examiner 2167